L R C Bom. II/51 (N)

1951.

File No.

Legal Department

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Subject:— Notifications under the Bombay Land Revenue Code 1878

P:8
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File No. L. R C. Bom. II/51 (N)

Gen. 194

16-A-B

Legal Department.

While forming the revised zones certain survey Nos. which are not included in the existing zones have been proposed to be added. It appears from the letter of the Collector at p.1 ante that the Deolali village has been notified under rule 82 of the Land Revenue Rules under Government Notification No.10107, dated the 6th October 1908. However, by Government Notification inthe Revenue Department No.9291-B(a), dated the 4th September 1936, the application of rule 82 to certain survey Nos. in the village of Deolali mentioned in the said notification has been cancelled. Some of the survey Nos. now proposed to be included in the revised zone No.3, e.g. Survey Nos. 112, 121, 122, 124, 1 127, 128, 138, 139, 141, 142, 143, 146, 176, 177, 179, 180, 181, 183, 184 and 185 are included in the 1936 Notification by which the application of rule 82 has been can celled. The proposed standard rate cannot therefore be sanctioned under rule 82 unless the rule is first applied to the survey Nos. in question. A revised draft notification applying the said rule with effect from 1st August 1952 is sent herewith. The R.D. should fill in the survey Nos.

2. The draft Notification at pp.45-46 ante as amended, is in order.

3. It is not necessary, as proposed by the R.D. to issue a preliminary notification under rule 82(III) of the Land Revenue Rules calling for objections and suggestions. That rule merely provides that the notice of the revised rates shall be given one year before they come into force. The R.D. should issue the draft notification after inserting in the blank space such date, which should not be earlier than one year from the date of the notification, as it deems proper. The

A/27

revised rates would automatically come into force after such specified date (of. U.R. No.12634, dated the 9th November 1949).

Id/-J.R.D. 2/1
Additional Secretary to Government.

U.R. to R.D. No. 148, dated the 3rd January 1951.

BKS. 29/6/ 4c.

Legal Department.

Reading Government Notification, Revenue Department No.9291, dated 21st November 1938 along with the plan at page 59/C, it would appear that it is proposed to include lands in Zone III to the existing areas covered by the said notification. It is, therefore, necessary in the first instance to apply rule 82 to the said lands in Zone III. The requisite draft notification in that behalf is sent herewith.

2. A revised draft in place of the draft at page 41 is sent herewith.

Id/-J.R.D. 21/2
Secretary to Government.

U.R. to R.D.No. 3298 , dated the 22nd February 1951.

BKS. 29/6/ 4c.

Legal Department.

The draft notification at page 43 as amended is in order.

2. Attention of the Revenue Department is invited to this office U.R.No.250, dated the 4th January 1951. It is not necessary to issue a preliminary notification under rule 82(iii) calling for objections and suggestions. The revised rates will automatically come into force after the date specified in the notification.

Id/-J.H D. 23/2
Secretary to Government.

U.R. to R.D., No. 3409 ,dated the 24th February 1951.

BKS. 29/6/ 4c.

Legal Department.

The R.D. has decided that instead of the three existing zones there willbe four zones as specified in the Schedule to the draft notification at pp. 15-16 ante. While forming the revised zones it appears that certain survey nos. which are not included in the existing zones have been proposed to be added. It appears from para (1) of G.N.R.D. No.9291, dated the 31st March 1937 read with para 2 of G.R.R. D.No.9291, dated the 31st March 1937 that rule 82 has been cancelled in respect of the areas not included in the three zones mentionedin the schedule to the R.D. notification No.9291, dated the 31st March 1937. The proposed standard rate cannot be sanctioned under rule 82 unless the rule is first applied to the survey nos. in question. The Revenue Department may be requested to verify such survey numbers and apply the said rule 82 to such survey numbers with effect from 1-8-1952. A revised draft notification applying the said rule is sent herewith. The R.D. should fill in the survey nos ....

2. The draft notification at pp. 15-16 ante as amended, is in order.

3. It is not necessary, as proposed by the Revenue Department to issue a preliminary notification under rule 82(iii) of the Land Revenue Rules calling for objections and suggestions. That rule merely provides that the notice of the revised rates shall be given one year before they come into force. R.D. should issue the draft notification after inserting in the blank space such date which should not be earlier than one year from the date of the notification as it deems proper. The revised rates would automatically come into force after such a specified date.

Id/-J.R.D. 2/1
Additional Secretary to Government.

U.R. to R.D.No. 250 ,dated the 4th January 1951.

RKS. 29/6/ 4c.

Office of the R.L.A.

Paragraph 112 of the City Survey Manual is based upon the two Government Resolutions in the Revenue Department No. 6884, dated the 25th June 1915 and No. 9021, dated the 24th July 1917 and correctly describes the position based upon the existing orders (vide R.L.A's opinion No. 2228, dated the 29th February 1940). It appears from Government Order, Revenue Department No. 6884, dated the 25th June 1915, that the Collector was empowered under section 19 of the Code to hear appeals from the decision of Survey Officer. This general order may be modified by a special order under section 19 empowering the Assistant or Deputy Collector to hear appeals from the decision of a survey officer which practice seems to have been followed in a number of cases. A revised draft notification is sent herewith accordingly.

Id/-J.R.D. 23/3
Remembrancer of Legal Affairs.

U.R. to R.D., No. 4906, dated the 28th March 1951.

BKS. 29/6/ 4c.

Office of the R.L.A.

There is no objection to issue a preliminary notification as desired by the Revenue Department. But rule 82 III of the Land Revenue Rules provides that a public notice shall be given one year before any revised rate comes into force. That means that the final notification fixing the revised rates must be before the public for at least one year. If the Revenue Department issues a preliminary notification now, it will take some more time to issue a final notification and the object of bringing the revised rates into force on the 1st August 1952 cannot be achieved as it will be impossible to comply with the provisions of full one year period which must, in the case under consideration, begin from the 1st August 1951. If, however, the Revenue Department desires to bring the revised rates into force with effect from the 1st August 1953 such a preliminary notification may issue. The draft at page 13 as amended is in order.

Id/-J.R.D. 18/7
Remembrancer of Legal Affairs.

U. R. to R. D. No. 11369 ,dated the 18th July 1951.

BKS. 29/6 4c.

Office of the R.L.A.

Under Revenue Department Notification No.2375(a) dated 1st August 1934 the revised standard rates were fixed for lands within one mile of the Belapur Railway Station. The proposal now is not only to fix the new standard revised rates in respect of lands within one mile of the Belapur Railway Station but also to fix standard rates in respect of lands situate outside the limits of one mile from the said station. It appears from the map of the lands that some of proposed zones also include lands falling outside the limits of one mile of the said station. The proposal to fix the standard rates would not be in order unless Rule 82 is applied to such lands i.e. those which are lying outside the radius of one mile from the Belapur Railway Station. Revenue Department should verify if the said rule 82 has been so applied to the lands in the latter area.

Id/-

Remembrancer of Legal Affairs.

U.R. to R.D.No. 11646 ,dated the 23rd July, 1951.

BKS. 29/6/ 4c.

OFFICE OF THE R.L.A.

Sub-section (1) of section 3 of the Bombay Land Revenue Code merely defines what a "Revenue Officer" means. This provision of the said sub-section (1) cannot, however, be utilized for making any appointment or investing a person with any powers under any of the provisions of the Code. The only relevant question then to be considered is whether the Shirastedar, City Survey Office, Baroda, is a revenue officer of the description referred to in sub-section (6) of section 135-D of the Code.

2. The Shirastedar, City Survey Office, Baroda, not having been appointed a survey officer under section 18 of the Code, cannot be deemed to be revenue officer within the meaning of section 3(1) of the Code and the question whether the is of the same grade as Aval Karkun (as pointed out by the Secretary, R.D.) is immaterial so long as he does not appear to be a revenue officer. If he is in fact a revenue officer (which fact R.D. should verify) he would be entitled to exercise the powers under sub-section (6) of section 135-D of the Code without any further notification in this behalf.

Id/-J.R.D.
10/12
Remembrancer of Legal Affairs.

U,R. to R.D.No. 19821, dated the 10th December 1951.
BKS. 29/6/ 4c.